

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

WARNER RECORDS, INC., et al.,

Plaintiffs,

v.

ALTICE USA, INC. et al.,

Defendants.

Case No. 2:23-cv-00576-JRG-RSP

**DEFENDANTS' UNOPPOSED MOTION FOR LEAVE TO EXCEED
PAGE LIMITS FOR ATTACHMENTS**

Defendants respectfully file this Unopposed Motion for Leave to Exceed Page Limits for Attachments submitted in connection with Defendants' Motion to Compel Documents from Key Email Custodians, Documents Relevant to the Validity of Plaintiffs' Copyright Registrations, and Documents Concerning Payments Between Plaintiffs and Key Third Parties Relating to Direct Infringement Evidence at Issue (Dkt. 117), filed on December 23, 2024. Defendants request permission to include seven additional pages of attachments with their Motion, for a total of twelve pages.¹ Plaintiffs do not oppose the instant motion but take no position on the relief requested.

Defendants respectfully submit that there is good cause to grant the requested relief. Defendants submitted four attachments to their Motion: (1) a two-page Declaration of Michael S. Elkin that identified three attachments; (2) a one-page Exhibit A, containing excerpts of Altice's July 3, 2024 discovery letter; (3) a five-page Exhibit B, containing relevant excerpts of the parties' discovery correspondence; and (4) a four-page Exhibit C, containing an excerpt from the Warner Chappell Plaintiffs' 30(b)(6) venue deposition. Altice endeavored to render each attachment as concise as possible, with most reduced significantly to only relevant excerpts while maintaining necessary context. The Declaration of Mr. Elkin consists of one page, with only the signature block falling onto the second page. Exhibit A consists of one page, only one quarter of which contains substance. Exhibit B consists of three emails from a longer thread necessary to ensure that both parties' positions are accurately reflected, which, when converted to PDF and inclusive of signature blocks and recipient information, resulted in a five-page exhibit. Finally, Exhibit C contains only one substantive page of testimony, with the deposition transcript cover and signature

¹ Defendants would have sought the requested relief in advance of filing their Motion, but certain members of Defendants' counsel had applied the relevant language of the Discovery Order to mean a five-page limit per attachment, rather than five pages total. *See* Dkt. 50, ¶ 9(b) ("Attachments to a discovery related motion, or a response thereto, shall not exceed five pages.").

pages provided both for completeness and authenticity.

Accordingly, for the reasons explained, Defendants respectfully request leave to exceed the page limits for the attachments submitted in connection with Defendants' motion to compel.

Dated: January 15, 2025

Respectfully submitted,

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**Pro Hac Vice*

CERTIFICATE OF SERVICE

I certify that on January 15, 2025, a true and correct copy of the foregoing was filed with the Court via CM/ECF, which will send a notice of electronic filing to the parties of record.

/s/ Michael S. Elkin
Michael S. Elkin

CERTIFICATE OF GOOD FAITH CONFERENCE

I, Michael S. Elkin, lead counsel for Defendants, certify pursuant to Local Rule CV-7(h) that the Parties met and conferred on January 15, 2025, and counsel for Plaintiffs indicated that Plaintiffs do not oppose the motion but do not take any position on the relief requested.

/s/ Michael S. Elkin
Michael S. Elkin